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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/776,279

02/12/2004

Sung Uk Moon

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04/10/2008

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

SOBUTKA, PHILIP

ART UNIT

PAPER NUMBER

2618

NOTIFICATION DATE

DELIVERY MODE

04/10/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/776,279	Applicant(s) MOON ET AL.	
	Examiner PHILIP J. SOBUTKA	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,4,5,7,8,10,11 and 13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4,7,10,11 and 13 is/are allowed.
- 6) ☒ Claim(s) 2,5 and 8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2,5, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sarkkinen (US 2001/0046877).

Consider claim 2. Sarkkinen teaches a radio communication system in which the same information is transmitted from a radio station to a plurality of mobile stations with a predetermined down link transmission power (*Sarkkinen see for example figures 3-5, paragraphs 33-35,37*), wherein

the radio station comprises:

a transmission power controller configured to control the predetermined down link transmission power based on control information transmitted by the mobile stations (*Sarkkinen see for example figures 3-5, paragraphs 33-35,37*), and

the mobile station comprises:

a decision unit configured to decide whether to transmit the control information to the radio station (*Sarkkinen see for example figures 3-5, paragraphs 33-35,37*); and

a transmitter configured to transmit the control information to the radio station based on a result of the decision made by the decision unit, the control information being generated according to reception quality of the same information transmitted by the radio station (*Sarkkinen see for example figures 3-5, paragraphs 33-35,37*).

As is well known, control information is sent at a predetermined frequency. As to the control information being sent when a plurality of same information pieces are received by a transceiver, it would have been obvious to one of ordinary skill that control information must be sent in response to a variety of conditions. Therefore it would have been obvious to one of ordinary skill in the art to modify Sarkkinen as shown in the claims in order to ensure that control information is sent at all appropriate times.

Sarkkinen lacks a teaching of the decision unit deciding without using reception quality of the same information transmitted by the radio station when a plurality of the same information is pieces. Official Notice is taken that it would have been obvious to one of ordinary skill in the art that removing a reception quality measurement would simplify the arrangement. Therefore it would have been obvious to one of ordinary skill in the art to modify Sarkkinen as shown in the claims in order to simplify the arrangement.

Consider claim 5. Sarkkinen teaches a transmission power control method for controlling a predetermined down link transmission power when transmitting the same information from a radio station to a plurality of mobile stations with the predetermined down link transmission power (*Sarkkinen see for example figures 3-5, paragraphs 33-35,37*), the method comprising the steps of:

deciding whether to transmit control information from the mobile station to the radio station (*Sarkkinen only sends control when indicated see for example figures 3-5, paragraphs 33-35,37*);

transmitting the control information from the mobile station to the radio station based on a result of the decision, the control information generated according to reception quality of the same information transmitted from the radio station (*Sarkkinen see for example figures 3-5, paragraphs 33-35,37*); and

controlling the predetermined down link transmission power in the radio station based on the control information transmitted from the mobile stations (*Sarkkinen see for example figures 3-5, paragraphs 33-35,37*).

As is well known, control information is sent at a predetermined frequency. As to the control information being sent when a plurality of same information pieces are received by a transceiver, it would have been obvious to one of ordinary skill that control information must be sent in response to a variety of conditions. Therefore it would have been obvious to one of ordinary skill in the art to modify Sarkkinen as shown in the claims in order to ensure that control information is sent at all appropriate times.

Sarkkinen lacks a teaching of the decision unit deciding without using reception quality of the same information transmitted by the radio station when a plurality of the same information is pieces. Official Notice is taken that it would have been obvious to one of ordinary skill in the art that removing a reception quality measurement would simplify the arrangement. Therefore it would have been obvious to one of ordinary skill in the art to modify Sarkkinen as shown in the claims in order to simplify the arrangement.

Consider claim 8. Sarkkinen teaches a mobile station for receiving the same information transmitted from a radio station with a predetermined down link transmission power, the mobile station comprising:

a decision unit configured to decide whether to transmit control information to the radio station (*Sarkkinen only sends control when indicated see for example figures 3-5, paragraphs 33-35,37*);

a reception quality calculator configured to calculate reception quality of the same information transmitted by the radio station, based on a result of the decision made by the decision unit (*Sarkkinen sends the threshold from the base in the SIB system signaling broadcast see for example figures 3-5, paragraphs 33-35,37*); and

a transmitter configured to transmit the control information generated based on the reception quality calculated by the reception quality calculator to the radio station (*Sarkkinen see for example figures 3-5, paragraphs 33-35,37*).

As is well known, control information is sent at a predetermined frequency. As to the control information being sent when a plurality of same information pieces are received by a transceiver, it would have been obvious to one of ordinary skill that control information must be sent in response to a variety of conditions. Therefore it would have been obvious to one of ordinary skill in the art to modify Sarkkinen as shown in the claims in order to ensure that control information is sent at all appropriate times.

Sarkkinen lacks a teaching of the decision unit deciding without using reception quality of the same information transmitted by the radio station when a plurality of the same information is pieces. Official Notice is taken that it would have been obvious to one of ordinary skill in the art that removing a reception quality measurement would simplify the arrangement. Therefore it would have been obvious to one of ordinary skill in the art to modify Sarkkinen as shown in the claims in order to simplify the arrangement.

Allowable Subject Matter

4. Claims 4,7,10,11 and 13 are allowed.
5. Claims are allowed for the reasons presented in applicant's response.

Response to Amendment

6. Applicant's arguments with respect to claims 2, 5 and 8 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHILIP J. SOBUTKA whose telephone number is (571)272-7887. The examiner can normally be reached on Monday - Friday, 8:30am - 5:00pm.

10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on 571-272-4177/4177.

11. The central fax phone number for the Office is 571-273-8300.

Most facsimile-transmitted patent application related correspondence is required to be sent to the Central FAX Number.

CENTRALIZED DELIVERY POLICY: For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now

located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), and facsimile transmissions must be sent to the Central FAX number, unless an exception applies. For example, if the examiner has rejected claims in a regular U.S. patent application, and the reply to the examiner's Office action is desired to be transmitted by facsimile rather than mailed, the reply must be sent to the Central FAX Number.

12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Philip J Sobutka/
Primary Examiner, Art Unit 2618

(571) 272-7887